

JS 44C/SDNY
REV.
10/01/2020

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS
SIXTO AYALA**

DEFENDANTS
BOH TRUCKING LLC and ROGELIO FIDIA MARTINEZ

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Law Offices of Charles E. Finelli
3060 E. Tremont Avenue
Bronx, NY 10461 - (315) 522-33285

ATTORNEYS (IF KNOWN)
Bongiorno, Montiglio, Mitchell & Palmieri, PLLC
200 Old Country Road, Suite 680, Mineola, NY 11501 - (516) 620-4490

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

28 U.S.C. 1332(a)(1) and 28 U.S.C. 1441(a)

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTITRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PROPERTY RIGHTS			[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 820 COPYRIGHTS	[] 880 DEFEND TRADE SECRETS ACT		[] 450 COMMERCE
[] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[X] 350 MOTOR VEHICLE	[] 830 PATENT			[] 460 DEPORTATION
	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
	[] 360 OTHER PERSONAL INJURY	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK		[] 480 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 362 PERSONAL INJURY - MED MALPRACTICE	SOCIAL SECURITY			[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 180 STOCKHOLDERS SUITS	ACTIONS UNDER STATUTES	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[] 861 HIA (1395f)	
[] 190 OTHER CONTRACT		[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 490 CABLE/SATELLITE TV
[] 195 CONTRACT PRODUCT LIABILITY		PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIVW (405(g))	[] 1850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 196 FRANCHISE	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY ACTIONS
		[] 510 MOTIONS TO VACATE SENTENCE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 865 RSI (405(g))	[] 891 AGRICULTURAL ACTS
		28 USC 2255			[] 893 ENVIRONMENTAL MATTERS
		[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 895 FREEDOM OF INFORMATION ACT
		[] 535 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY	[] 896 ARBITRATION
		[] 540 MANDAMUS & OTHER		26 USC 7609	[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
REAL PROPERTY			IMMIGRATION		[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 210 LAND CONDEMNATION	[] 441 VOTING	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION		
[] 220 FORECLOSURE RENT LEASE & EJECTMENT	[] 442 EMPLOYMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 465 OTHER IMMIGRATION ACTIONS		
[] 230		[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 550 CIVIL RIGHTS		
[] 240 TORTS TO LAND			[] 555 PRISON CONDITION		
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

IF SO, STATE:

DEMAND \$ _____ OTHER _____

Page 15 of 15 - The Statement of Relatedness form (Form IH-32)

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|--|--|---|--|---|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input checked="" type="checkbox"/> a. all parties represented | | | <input type="checkbox"/> b. At least one party is pro se. | | | |
| <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	<input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Plaintiff is alleged to be a resident of Bronx County.

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

BOH Trucking LLC is an LLC based in New Jersey with a principal place of business located at 2618 Paterson Plank Road, Apartment 2, North Bergen New Jersey 07047. The principal of BOH Trucking, Bizmark Diaz, is a resident of the State of New Jersey. Rogelio Fidia Martinez, is a resident of Maryland.

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 6/3/22



SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. 09 Yr. 2017)
 Attorney Bar Code # 5302781

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)